IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4441 OF 2005

Sabbir Yaseen Shaikh ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Vikas Shivarkar for the Applicant.
Shri. R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 20, 2005.

P.C.:

1. The offence alleged against the Applicant and the co-accused is under sections 302, 143, 147, 148 read with section 149 of the Indian Penal Code. The Applicant was arrested on 8th February, 2005. The allegation against the Applicant and the co-accused is of committing murder of one Faiyaz. F.I.R. is filed by one Siraz Shaikh who claims to be an eye-witness to the incident. He has stated in the F.I.R. that he met the deceased at about 7.20 p.m., on fateful day near Vishal Garage at Guletekdi where one Dayanand, Vishal, Arvind Singh and Jacky Shaikh were present. He has described the assault on deceased Faiyaz and he has named one Sohail Shaikh as one of the assailants. No witness except Arvind Singh has named the Applicant. However, said Arvind Singh has not ascribed any specific role to the Applicant in the assault on the deceased. All that he stated is that in the evening on the date of incident, the Applicant alongwith others was present near C.D.O. Office at Golibar Maidan, Pune. His version is that thereafter the said witness alongwith three others left the

place. The said place is not the place where the offence took place.

2. Thus, the material available on record does not show that the Applicant has played any role of the assault on the deceased. The Applicant is in custody for five months. Investigation has been comlpleted and there is no reason to continue the detention of the Applicant in custody. No criminal antecedents of the Applicant are pointed out.

3. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with C.R.No.225 of 2004 of Lashkar Police Station, Pune, subject to furnishing a personal bond of Rs.15,000/- with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall report to the concerned Police Station once in a week till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make

any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE